

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MISSOURI
AT KANSAS CITY**

JAMES C. DAY,

Plaintiff,

Case No.:24-cv-190

v.

F. COULTER DeVRIES, B. JANEEN DeVRIES,
DANIEL JONES AND DeVRIES AND ASSOCIATES P.C.

Defendants.

**PLAINTIFF'S RESPONSE TO DEFENDANTS' MEMORANDUM IN
OPPOSITION TO SUMMARY JUDGMENT**

Comes now Plaintiff, James C. Day, stating the following:

UNDISPUTED FACTS

1. Defendants lied to Judge McAnany regarding Johnson's loan agreement.
2. Defendants repeatedly lied at trial, in 2005, regarding:
 - A. The Statement of James Day
 - B. Stating that Day never told them about files being stolen, including the loan agreement, and computer and back-up being erased.
3. Defendants altered the "Statement of James Day" after it was signed by Day.
4. Defendants coerced and threatened their client into signing an extremely detrimental settlement agreement to protect themselves.
5. Defendants have not and cannot deny any of the foregoing allegations.

In the Missouri State lawsuit, 2:22-cv-02146, defendants committed **“Fraud on the Court”**, and plaintiff’s **due process rights** were violated by Judge Midkiff, as previously stated to the court. Judge Midkiff denied pertinent evidence, called plaintiff a liar in front of the jury and unsealed documents that prejudiced the jury against plaintiff.

Defendants have asserted numerous times that this case is barred by “Collateral Estoppel” and “The Rooker-Feldman Doctrine”. They have cited numerous judgments that are also void. **“Fraud on the Court”** and/or **“Violation of Due Process”** causes the court to lose “Subject Matter Jurisdiction” which renders all subsequent judgments and rulings moot; they are **“VOID JUDGMENTS”**. This includes “Collateral Estoppel” and “The Rooker-Feldman Doctrine”.

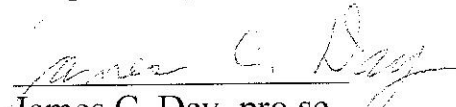
The U.S. Court of Appeals for the Tenth Circuit regarding the underlying case, Case No. 2:21-cv-02146 recognized that the judgment, in appellate Case No. 22-3107, was obtained through **“Fraud on the Court”** and dismissed without prejudice.

In conclusion, all the defendants’ assertions regarding “Collateral Estoppel”, “The Rooker-Feldman Doctrine” and previous rulings and judgments have been rendered moot since the 2005 trial pursuant to **“VOID JUDGMENT”**. This matter occurred in 1998. Plaintiff, James Day, has been denied justice for over

twenty-five (25) years. The court, in this matter, has previously denied "Summary Judgment", as premature, **there is no dispute as to the facts**. Plaintiff respectfully prays for an immediate Summary Judgment.

WHEREFORE, in the interest of fairness and justice, plaintiff is entitled, by law, to an immediate Summary Judgment.

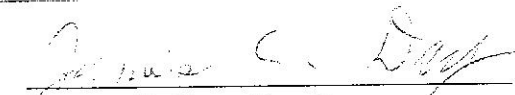
Respectfully submitted,


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 24th day of November 2024, the above and foregoing was filed with the Clerk of the U.S. District Court for the District of Missouri via the CM/ECF electronic filing system which serves notices via electronic mail, to:

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